

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**September 20, 2002**

**IN RE:**

**APPLICATION OF WORLDCOM, INC. AND  
INTERMEDIA COMMUNICATIONS, INC. FOR  
AUTHORITY TO DISCONTINUE LOCAL RESALE  
SERVICES IN THE STATE OF TENNESSEE**

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**DOCKET NO.  
02-00701**

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**ORDER APPROVING DISCONTINUANCE OF LOCAL RESALE SERVICES**

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This matter came before Directors Deborah Taylor Tate, Pat Miller, and Ron Jones of the Tennessee Regulatory Authority ("Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 19, 2002, for consideration of the *Application* filed by WorldCom, Inc. ("WorldCom") and Intermedia Communications, Inc. ("Intermedia") (collectively the "Applicants") on June 14, 2002, requesting approval to discontinue resold basic local exchange telecommunications services in Tennessee.

**The Application**

The Application states that as part of WorldCom's ongoing evaluation of Intermedia's operations since WorldCom's acquisition of Intermedia in July 2000, WorldCom has determined that it is necessary and appropriate to discontinue Intermedia's local resale service.<sup>1</sup> According to the Application, this discontinuance, which is expected

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<sup>1</sup> As stated in the Application, WorldCom acquired Intermedia on July 1, 2001, pursuant to the Authority's approval of a transfer of authority to provide utility services granted in Docket No. 00-01099 by Order dated March 22, 2001.

to take place on or after September 9, 2002, will affect approximately forty-six (46) customers in Tennessee. The Application states that the decision to discontinue service is based in part on the limited number of Intermedia resale customers in Tennessee and is consistent with WorldCom's effort to consolidate and streamline Intermedia's lines of business. The Application further states that the discontinuance of Intermedia's local resale services will not affect Intermedia's other services, nor is WorldCom seeking at this time to cancel any Intermedia certificate or tariff.

According to the Application, WorldCom has developed a customer notification plan that is intended to provide customers with ample notice and opportunity to transfer to another carrier to avoid any interruption of service. The Application states that individual written notice of the proposed discontinuance was provided to each affected customer via first class mail on June 11, 2002. A sample of the customer notice letter is attached to the Application.

#### **Standard for Approval by the Authority**

The Authority's Rules allow the termination of local service offerings by telecommunications carriers as long as certain conditions are met. Authority Rule 1220-4-8-.07(2)(d) states the following:

Withdrawal of a basic local service offering may be permitted after ninety (90) days prior notice to the [Authority], and after sixty (60) days prior notice to individual customers by direct mail or by publication of a notice in the newspaper of general circulation in the affected service area. Any such withdrawal shall be approved by the [Authority] before implementation.

#### **Findings**

The Authority finds that the notification letter submitted with the Application to the Authority is appropriate and in compliance with the sixty (60) day notice requirement in

Authority Rule 1220-4-8-.07(2)(d). Further, although Rule 1220-4-8-.07(2)(d) requires ninety (90) days notice to the Authority, the Authority finds that there is sufficient cause<sup>2</sup> to grant a waiver of the Authority notice requirement pursuant to Authority Rule 1220-1-1.05(1). This Rule states:

For good cause, including expediting the disposition of any matter, the Authority may waive the requirements or provisions of any of these rules in a particular proceeding, on motion of a party or on its own motion, except when a rule embodies a statutory requirement. The Authority shall state the basis of any such waiver and may impose condition or limitations consistent with the basis for the construction of these rules.

Upon consideration of the Application and the entire record in this matter, the voting panel voted unanimously to approve the notification letter to Intermedia's customers pursuant to Authority Rule 1220-4-8-.07(2)(d), waive the requirements of ninety (90) days notice to the Authority in Authority Rule 1220-4-8-.07(2)(d), and approve the Application.

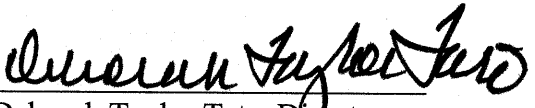
**IT IS THEREFORE ORDERED THAT:**

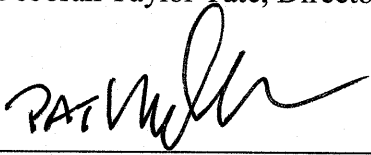
1. The customer notification letter filed by WorldCom, Inc. and Intermedia Communications, Inc. is approved.
2. The requirement of ninety (90) days prior notice to the Authority of a withdrawal of a basic local service offering is waived with regard to WorldCom and Intermedia's Notification to the Authority.
3. The Application of WorldCom and Intermedia for approval to discontinue Intermedia's resold basic local exchange telecommunications services in Tennessee is approved.

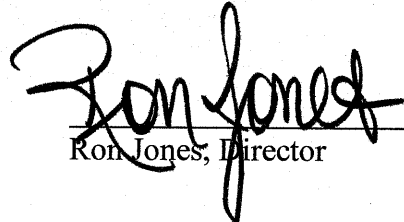
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<sup>2</sup> WorldCom filed for reorganization under Chapter 11 of the U.S. Bankruptcy Code on July 21, 2002.

4. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

  
Ron Jones, Director